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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,504	10/31/2003	Mark P. D'Evelyn	130894-2 60SD	2480
36580	7590	11/17/2005	EXAMINER	
GE SPECIALITY MATER			KUNEMUND, ROBERT M	
ONE PLASTICS AVENUE			ART UNIT	
PITTSFIELD, MA 01201			PAPER NUMBER	
			1722	
DATE MAILED: 11/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,504

Applicant(s)

D'EVELYN ET AL.

Examiner

Robert M. Kunemund

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 4, 12 to 15 and 23 to 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yazu et al (ep 220462) in view of Fujikawa et al (6,285,010).

The Yazu et al reference teaches a high-pressure high temperature apparatus and process, entire reference. The apparatus consists of a chamber and a means to create high pressures. There are two separate heating means in the chamber to create the high temperatures. The heaters are controlled separately to create the desired temperature gradients, note figures. The sole difference between the instant claims and the prior art is the heaters being in an insulator. However, the Fujikawa et al reference teaches a HP/HT apparatus where the heaters are separate and separated by

insulation means , note figure2. It would have been obvious to one of ordinary skill in the art to modify the Yazu et al apparatus by the teachings of the Fujikawa et al reference to separate the heaters by insulation in order to prevent the heaters from affecting each others zones thus increasing control of the heating.

Claims 3 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yazu et al (ep 220462) in view of Fujikawa et al (6,285,010).

The Yazu et al and Fujikawa et al references are relied on for the same reasons as stated, supra, and differ from the instant claims in the material treated. However, it would have been obvious to one of ordinary skill in the absence of unexpected results, to determine through routine experimentation the material to be treated in the Yazu et al reference in order to improve the usefulness of the HP/HT apparatus.

Claims 3 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yazu et al (ep 220462) in view of Fujikawa et al (6,285,010).

The Yazu et al and Fujikawa et al references are relied on for the same reasons as stated, supra, and differ from the instant claims in the material treated. However, it would have been obvious to one of ordinary skill in the absence of unexpected results, to determine through routine experimentation the material to be treated in the Yazu et al reference in order to improve the usefulness of the HP/HT apparatus.

Claims 5-11 and 16 to 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yazu et al (ep 220462) in view of Fujikawa et al (6,285,010).

The Yazu et al and Fujikawa et al references are relied on for the same reasons as stated, supra, and differ from the instant claims in the heater type and construction

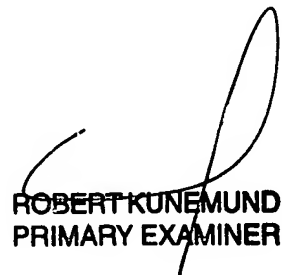
material. However, it would have been obvious to one of ordinary skill in the absence of unexpected results, to determine through routine experimentation the optimum, operable construction material and heater in the Yazu et al reference in order to ensure that the apparatus will not fail structurally and uniformly heat the material being treated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Kunemund whose telephone number is 571-272-1464. The examiner can normally be reached on 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMK


ROBERT KUNEMUND
PRIMARY EXAMINER